

6. Deny knowledge of information sufficient to form a belief as to the truth of the allegations of paragraph 9.

7. Admit the allegations of paragraphs 10-11.

8. Deny knowledge or information sufficient to form a belief as to the truth in the allegations of paragraph 12.

9. Admit that the word COSMOPOLITAN is the subject of U.S. Trademark Registration No. 630,028 issued on July 3, 1956, for “magazine or periodical published monthly or at other intervals,” and except as so admitted deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13.

10. Admit that the phrase COSMO GIRL is the subject of U.S. Trademark Registration No. 2,527,954 issued on January 8, 2002, for “general interest magazine for girls and young women,” and except as so admitted deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14.

11. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 15-21.

12. Deny the allegations of paragraph 22.

13. Admit that defendant 3700 Associates, LLC owns and operates a web site at the universal resource locator www.cosmolv.com, and except as so admitted deny the allegations of paragraph 23.

14. Deny the allegations of paragraphs 24-28.

COUNT I

15. Responding to paragraph 29, Defendants repeat their responses to paragraphs 1-28 as if fully set forth here.

16. Deny the allegations of paragraphs 30-32.

COUNT II

17. Defendants repeat their responses to paragraphs 1-28 as if fully set forth here, and deny the allegations of paragraph 33.

18. Deny the allegations of paragraphs 34-35.

COUNT III

19. Responding to paragraph 36, Defendants repeat their responses to paragraphs 1-28 as if fully set forth here.

20. Deny the allegations of paragraph 37-38.

COUNT IV

21. Responding to paragraph 39, Defendants repeat their responses to paragraphs 1-28 as if fully set forth here.

22. Deny the allegations of paragraph 40-41.

COUNT V

23. Responding to paragraph 42, Defendants repeat their responses to paragraphs 1-28 as if fully set forth here.

24. Deny the allegations of paragraph 43.

COUNT VI

25. Responding to paragraph 44, Defendants repeat their responses to paragraphs 1-28 as if fully set forth here.

26. Deny the allegations of paragraph 45.

FIRST AFFIRMATIVE DEFENSE

27. The Court lacks jurisdiction over the person of one or both defendants.

SECOND AFFIRMATIVE DEFENSE

28. Venue is improper in this district.

THIRD AFFIRMATIVE DEFENSE

29. Insufficient process was served on one or both defendants

FOURTH AFFIRMATIVE DEFENSE

30. The complaint fails to join a necessary party under Rule 19 of the Federal Rules of Civil Procedure.

FIFTH AFFIRMATIVE DEFENSE

31. The plaintiff's claims are barred, in whole or in part, by laches.

Date: New York, New York
August 25, 2008

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